

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JENNIFER HOUGH,

Plaintiff,

-- against --

ONIKA TANYA MARAJ, AKA (“NICKI
MARAJ”) and KENNETH PETTY, AKA
(“ZOO”),

Defendants.

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Case No. 21-cv-04568-ENV-JRC

DECLARATION OF JUDD BURSTEIN

JUDD BURSTEIN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct.

1. I am a member of the Bar of this Court and the sole shareholder of Judd Burstein, P.C., attorneys for former Defendant Onika Tanya Maraj (“Ms. Maraj”).

2. I submit this Declaration in support of Ms. Maraj’s and my motion for sanctions against Plaintiff Jennifer Hough’s (“Plaintiff”) counsel, Tyrone Blackburn (“Mr. Blackburn”).

3. The purpose of this Declaration is to provide an evidentiary basis for some of the facts and documents which are discussed in the accompanying Memorandum of Law submitted in support of Ms. Maraj’s motion for sanctions against Plaintiff’s counsel.

**A. SUPPORT FOR FACTUAL ALLEGATIONS IN THE ACCOMPANYING
MEMORANDUM OF LAW**

4. On October 28, 2021, all counsel attended a Zoom conference to meet each other and discuss, in general, how the case would go forward. It was not a settlement meeting. After pleasantries were exchanged, Mr. Blackburn’s initial statement was, in words and substance, that he would like to settle the case. This was an extraordinary statement for a plaintiff’s attorney to make at the very beginning of a case, and even more surprising because Mr. Blackburn was

pursuing a default judgment for \$20 million in damages. (Dkt. No. 15-1, at ¶ 7). Mr. Blackburn thus made clear that his primary goal was to obtain money from Ms. Maraj through a settlement.

5. With respect to the circumstances surrounding my communications with Steven Gordon, Mr. Blackburn's former co-counsel, ("Mr. Gordon") about his wife having posted a comment on the internet, the facts are as follows:

6. As evidenced by the fact that she has more than **170 million** followers on Instagram, Ms. Maraj is one of the most famous and successful performers in the world. Since I commenced representing her, I have personally experienced the depth and devotion of her fans, as I receive multiple emails (fortunately, I do not know how to use social media) each day from them offering me information which they believe may help Ms. Maraj. A few of them have actually been helpful. If someone has managed to figure out my direct email address, I read whatever I am sent. However, additional emails are sent to my firm's general email inbox, "info@burlaw.com."

7. On November 3, 2021, Victor Weberman ("Mr. Weberman"), my office manager/paralegal retrieved an **unsolicited** email from the info@burlaw.com mailbox bearing the subject line: "Steven Gordon's wife spreading lies on Youtube." The email contained a link to the YouTube video in question and a screenshot of a comment from a user named "[Mr. Gordon's wife]." ¹

8. Mr. Weberman forwarded the email to me, my associate, Emily Finestone ("Ms. Finestone"), and my partner, Peter Schalk, and I replied, "Is this really his wife?" Thereafter, Ms. Finestone appropriately followed up on my question and reported that a Google search of "[Mr. Gordon's wife's name]," led her to Mr. and Mrs. Gordon's wedding website, which appeared on

¹ At the request of Mr. Gordon, I have redacted his wife's name in this Declaration as well as the Exhibits hereto. Mr. Blackburn and Mr. Gordon have conceded that the comment was made by Mr. Gordon's wife and that our subsequent emails were referring to that comment.

the first page of the results. Annexed hereto as Exhibit A is a true and accurate redacted copy of the November 3, 2021 email exchange I had with Ms. Finestone and Mr. Weberman.

9. The YouTube video in question was entitled “Lawyer Moe Gangat on Nicki Minaj’s Husband Taking a Plea in CA Case,” and there was indeed a comment on it from Mr. Gordon’s wife. Annexed hereto as Exhibit B is a true and accurate redacted copy of Mr. Gordon’s wife’s comment to the YouTube video.

10. Mr. Gordon’s wife’s comment speaks for itself. From my point of view, it had some relevance because it (a) appeared to be communicating information which Mr. Gordon’s wife had obtained from Mr. Gordon, and (b) also stated that “[t]he only late response that lawyers agreed to allow is the filing of an Answer.” (*Id.*).

11. I then mistakenly sent an email to Mr. Gordon and Mr. Blackburn before I had finished composing it. Soon thereafter I followed up with the email I had intended to send, with the subject “Hit ‘send’ too soon.” The November 3, 2021 email, a true and accurate copy of which is annexed hereto as Exhibit C, states:

I am not sure you are aware of your wife’s posts on social media. While they raise a number of issues, I am reminding you out of courtesy that she is not covered by the litigation privilege, and to the extent she is relating discussions with you, she may have waived the marital communications privilege. There is no need for you to respond to this email because it’s up to the two of you to decide what is or is not appropriate and then bear the consequences of your decisions, if any.

12. Later that day, when I realized Mr. Gordon’s wife’s comment had indicated that “[t]he only late response that lawyers agreed to allow is the filing of an Answer,” I wrote Plaintiff’s counsel again, stating:

I went back to Steven’s wife’s post today, as I realized that she stated that “[t]he only late response that lawyers agreed to allow is the filing of an Answer.” If there was such an offer by Plaintiff’s counsel, I was unaware of it. And if Steven’s wife has accurately recounted the facts, is that offer still on the table?

13. Mr. Blackburn responded: “I see you’re in a playful mood tonight.... I am certain you don’t mean an[y] harm.... I would hope that this would be the last email concerning [Mr. Gordon’s wife.]” A true and accurate copy of that email exchange, dated November 3, 2021, is annexed hereto as Exhibit D.

14. Thereafter, I never searched for Mrs. Gordon’s name, much less “scrummaged” for it, on the internet or ever tried to reach out to her in any way. Nor did I ever mention her to Mr. Gordon or Mr. Blackburn until the issue arose again in Mr. Gordon’s and Mr. Blackburn’s January 21, 2022 letters. Indeed, if someone had asked me the name of Mr. Gordon’s wife prior to January 21, 2022, I would not have known the answer.

B. EXHIBITS REFERENCED IN THE ACCOMPANYING MEMORANDUM OF LAW

15. Annexed hereto as Exhibit E is a true and accurate copy of an October 13, 2021 email exchange which I had with Mr. Blackburn.

16. Annexed hereto as Exhibit F is a true and accurate copy of an October 14, 2021 article from *The Daily Beast*, entitled “Nicki Minaj Finally Responds to Jennifer Hough’s Witness-Intimidation Lawsuit—Sort Of.”

17. Annexed hereto as Exhibit G is a true and accurate copy of the November 5, 2021 sanctions motion that I served on Plaintiff’s counsel.

18. Annexed hereto as Exhibit H is a true and accurate copy of the November 10, 2021 sanctions motion that I served on Plaintiff’s counsel.

19. Annexed hereto as Exhibit I is a true and accurate copy of the December 8, 2021 sanctions motion that I served on Plaintiff’s counsel.

20. Annexed hereto as Exhibit J is a true and accurate copy of the January 9, 2022 sanctions motion that I served on Plaintiff’s counsel.

21. Annexed hereto as Exhibit K is a true and accurate copy of the November 25, 2018 photograph which was referenced in, but not attached to, Plaintiff's Amended Complaint.

22. Annexed hereto as Exhibit L are true and accurate copies of (a) a November 8, 2021 article from *The Source Magazine*, entitled "Kenneth Petty and Nicki Minaj cited as gang members during court proceedings;" (b) a November 7, 2021 article from *All HipHop*, entitled "EXCLUSIVE: Nicki Minaj is a gangbanger with ruthless NY gang according to lawyers in \$20 million lawsuit;" and (c) a November 8, 2021 article from *Music Times*, entitled "Nicki Minaj part of big New York gang involved in guns, drugs and rap, victim claims in \$20 million lawsuit."


23. Annexed hereto as Exhibit M is a true and accurate copy of an October 19, 2021 email exchange which I had with Mr. Blackburn.

24. Annexed hereto as Exhibit N is a true and accurate copy of a January 28, 2022 email that Mr. Gordon sent to me.

25. Annexed hereto as Exhibit O is a true and accurate copy of a January 26, 2022 email exchange which I had with Mr. Blackburn and Mr. Gordon.

26. Annexed hereto as Exhibit P is a true and accurate copy of another branch of the January 26, 2022 email exchange which I had with Mr. Blackburn and Mr. Gordon.

Executed on February 2, 2022 in the State of Connecticut, Fairfield County.



JUDD BURSTEIN